

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN**

**UNITED STATES OF AMERICA,**

**v.**

**IVAN JAMES,  
KAI JAMES,  
JOH WILLIAMS,  
MALACHI BENJAMIN,  
JAHKIEBO JOSEPH, and  
ARIEL PETERSEN,**

**Defendants.**

**THIRD SUPERSEDING INDICTMENT**

**CASE NO. 2019-CR-00079**

**VIOLATIONS:**

21 U.S.C. §§ 841(a)(1), 846  
18 U.S.C. §§ 371, 2  
18 U.S.C. §§ 922(a)(3), 922(e)  
18 U.S.C. §§ 924(c), 924(j)  
14 V.I.C. §§ 921, 922(a)(1)

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**THE GRAND JURY CHARGES:**

**COUNT ONE**

From in or about January 1, 2013, the exact date unknown, until on or about September 2019, in the District of the Virgin Islands, and elsewhere, the defendants,

**IVAN JAMES,  
KAI JAMES,  
JOH WILLIAMS,  
MALACHI BENJAMIN,  
JAHKIEBO JOSEPH,  
ARIEL PETERSEN,**

and others known and unknown to the Grand Jury, did knowingly and intentionally combine, conspire, confederate, and agree, together and with other persons, to manufacture and possess with the intent to distribute a mixture or substance containing a detectable amount of Cocaine Hydrochloride, a Schedule II Controlled Substance, and a mixture or substance containing a detectable amount of Marijuana, a Schedule I Controlled Substance. All in violation of 21 U.S.C. §§ 846 and 841(a)(1).

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**COUNT TWO**

On or about March 3, 2019, in the District of the Virgin Islands, and elsewhere, the defendants,

**KAI JAMES,  
JAHKIEBO JOSEPH,**

and others known and unknown to the Grand Jury, aided and abetted by each other, did knowingly and intentionally attempt to possess with the intent to distribute, less than fifty (50) kilograms or more of a mixture or substance containing a detectible amount of Marijuana, a Schedule I Controlled Substance. All in violation of 21 U.S.C. §§ 841(b)(1)(D) and 18 U.S.C. § 2.

**COUNT THREE**

On or about July 14, 2017, in the District of the Virgin Islands, the defendants,

**IVAN JAMES,  
KAI JAMES,  
MALACHI BENJAMIN,**

and others known and unknown to the Grand Jury, aided and abetted by each other, did knowingly and intentionally possess with the intent to distribute one thousand (1,000) or more Marijuana plants, a Schedule I Controlled Substance. All in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

**COUNT FOUR**

On or about July 14, 2017, in the District of the Virgin Islands, the defendants,

**IVAN JAMES,  
MALACHI BENJAMIN,**

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and others known and unknown to the Grand Jury, aided and abetted by each other, did knowingly and intentionally possess with the intent to distribute five hundred (500) grams or more of a substance or mixture containing a detectible amount of Cocaine Hydrochloride, a Schedule II Controlled Substance. All in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

**COUNT FIVE**

From on or about January 1, 2019, the exact date unknown, until on or about September 2019, in the District of the Virgin Islands, and elsewhere, the defendants,

**KAI JAMES,  
JAHKIEBO JOSEPH, and  
ARIEL PETERSEN,**

knowingly and willfully conspired and agreed together and with each other, and with other persons known and unknown to the grand jury, to commit violations of 18 U.S.C. § 922(a)(3), that is, to, not being licensed importers, manufacturers, dealers, and collectors of firearms, within the meaning of Chapter 44, Title 18, United States Code, willfully transport into the United States Virgin Islands, where **KAI JAMES, JAHKIEBO JOSEPH, and ARIEL PETERSEN** then resided, the following firearms: (1) a Smith & Wesson, 9 Millimeter Handgun, Serial Number HPP3181; (2) a Smith & Wesson, 9 Millimeter Handgun, Serial Number HSR3500; (3) a Glock 22, .40 Caliber Handgun, Serial Number BDUN801; (4) a Glock 19, 9 Millimeter Handgun, Serial Number RYF733; and (5) a Colt Sporter .223 Caliber, AR-15 Rifle, Serial Number MH064994, said firearms having been obtained by **KAI JAMES, JAHKIEBO JOSEPH, and ARIEL PETERSEN** outside the United States Virgin Islands.

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### ***OVERT ACTS***

In furtherance of the unlawful conspiracy, **KAI JAMES, JAHKIEBO JOSEPH**, and **ARIEL PETERSEN** performed the following overt acts, among others, in the District of the Virgin Islands and elsewhere:

- (a) On or about January 28, 2019, **ARIEL PETERSEN** caused two (2) firearms: (1) Smith & Wesson, Model M&P 9 Shield, Serial Number HSR3500; and (2) Glock .40 Caliber, Model 22, Serial Number RYF733, to be purchased from Premiere Pawn in Orlando, FL, by providing cash to purchase said firearms;
- (b) On or about January 28, 2019, **ARIEL PETERSEN** delivered the above-described firearms to **JAHKIEBO JOSEPH**. **JOSEPH** also caused several extended Glock magazines, drums and a holster to be purchased.
- (c) Thereafter, **JAHKIEBO JOSEPH** traveled to Miami, FL, with the firearms, magazines, drum and holster where **JOSEPH** and **KAI JAMES** shipped the same from Miami, FL, to St. Croix, VI, on or about February 28, 2019, with Paradise Freight, a cargo shipping company.
- (d) On or about March 3, 2019, said firearms, drum and holster arrived in St. Croix, VI.

All in violation of 18 U.S.C. §§ 371, 922(a)(3) and 924(a)(1)(D).

### **COUNT SIX**

On or about February 28, 2019, in the District of the Virgin Islands, and elsewhere, the defendants,

**KAI JAMES,  
JAHKIEBO JOSEPH,  
ARIEL PETERSEN,**

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and others known and unknown to the Grand Jury, aiding and abetting each other, not being licensed importers, manufacturers, dealers, and collectors of firearms, within the meaning of Chapter 44, Title 18, United States Code, did willfully transport into the United States Virgin Islands, where **KAI JAMES**, **JAHKIEBO JOSEPH**, and **ARIEL PETERSEN** then resided, the following firearms: (1) a Smith & Wesson, 9 Millimeter Handgun, Serial Number HPP3181; (2) a Smith & Wesson, 9 Millimeter Handgun, Serial Number HSR3500; (3) a Glock 22, .40 Caliber Handgun, Serial Number BDUN801; (4) a Glock 19, 9 Millimeter Handgun, Serial Number RYF733; and (5) a Colt Sporter .223 Caliber, AR-15 Rifle, Serial Number MH064994, said firearms having been purchased and otherwise obtained by **KAI JAMES**, **JAHKIEBO JOSEPH**, and **ARIEL PETERSEN** outside the United States Virgin Islands. All in violation of 18 U.S.C. §§ 922(a)(3) & 924(a)(1)(D).

**COUNT SEVEN**

On or about February 28, 2019, in the District of the Virgin Islands, and elsewhere, the defendants,

**KAI JAMES,  
JAHKIEBO JOSEPH, and  
ARIEL PETERSEN,**

aiding and abetting each other, did knowingly deliver and cause to be delivered to a common or contract carrier for transportation or shipment in interstate commerce, to a person or persons other than licensed importers, licensed manufacturers, licensed dealers, or licensed collectors, a container in which there were the following firearms: (1) a Smith & Wesson, 9 Millimeter Handgun, Serial Number HPP3181; (2) a Smith & Wesson, 9 Millimeter Handgun, Serial Number

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HSR3500; (3) a Glock 22, .40 Caliber Handgun, Serial Number BDUN801; (4) a Glock 19, 9 Millimeter Handgun, Serial Number RYF733; and (5) a Colt Sporter .223 Caliber, AR-15 Rifle, Serial Number MH064994, without written notice to the carrier that such firearms were being transported and shipped. All in violation of 18 U.S.C. §§ 922(e) and 2.

**COUNT EIGHT**

On or about February 28, 2019, in the District of the Virgin Islands and elsewhere, the defendants,

**KAI JAMES,  
JAHKIEBO JOSEPH, and  
ARIEL PETERSEN,**

aided and abetted by each other, did knowingly possess the following firearms, that is: (1) a Smith & Wesson, 9 Millimeter Handgun, Serial Number HPP3181; (2) a Smith & Wesson, 9 Millimeter Handgun, Serial Number HSR3500; (3) a Glock 22, .40 Caliber Handgun, Serial Number BDUN801; (4) a Glock 19, 9 Millimeter Handgun, Serial Number RYF733; and (5) a Colt Sporter .223 Caliber, AR-15 Rifle, Serial Number MH064994, in furtherance of a drug trafficking crime for which they may be prosecuted in a court of the United States, that is: Conspiracy to Possess with Intent to Distribute Controlled Substances, in violation of 21 U.S.C. §§ 846 and 841(a)(1), as set forth and charged in Count One of this Third Superseding Indictment and incorporated herein. All in violation of 18 U.S.C. §§ 924(c)(1)(A) and 2.

**COUNT NINE**

On or about August 3, 2017, in the District of the Virgin Islands, the defendant,

**IVAN JAMES,**

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did knowingly possess the following firearms, that is: (1) an Olympic Arms MFR AR Rifle bearing Serial Number TB1292; (2) a Glock 40 Caliber Pistol bearing Serial Number NBN326; and (3) a Romarm WASR-10 AK Rifle bearing Serial Number AG4449, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is: Conspiracy to Possess with Intent to Distribute Controlled Substances, in violation of 21 U.S.C. §§ 846 and 841(a)(1), as set forth and charged in Count One of this Third Superseding Indictment and incorporated herein. All in violation of 18 U.S.C. §§ 924(c)(1)(A) and 2.

**COUNT TEN**

On or about August 3, 2017, in the District of the Virgin Islands, the defendant,

**MALACHI BENJAMIN,**

did knowingly possess a firearm, that is, a Springfield XD .45 Caliber Handgun bearing Serial Number US703390, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is: Conspiracy to Possess with Intent to Distribute Controlled Substances, in violation of 21 U.S.C. §§ 846 and 841(a)(1), as set forth and charged in Count One of this Third Superseding Indictment and incorporated herein. All in violation of 18 U.S.C. §§ 924(c)(1)(A) and 2.

**COUNT ELEVEN**

On or about August 3, 2017, in the District of the Virgin Islands, the defendant,

**KAI JAMES,**

did knowingly possess a firearm, that is, a HK P2000 .40 Handgun bearing Serial Number 123074009, in furtherance of a drug trafficking crime for which he may be prosecuted in a court

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of the United States, that is: Conspiracy to Possess with Intent to Distribute Controlled Substances, in violation of 21 U.S.C. §§ 846 and 841(a)(1), as set forth and charged in Count One of this Third Superseding Indictment and incorporated herein. All in violation of 18 U.S.C. §§ 924(c)(1)(A) and 2.

**COUNT TWELVE**

On or about May 25, 2017, in the District of the Virgin Islands, the defendants,

**IVAN JAMES, and  
JOH WILLIAMS,**

did knowingly use, carry, and discharge, and aided and abetted the use, carrying and discharge of firearms, that is: (1) an Olympic Arms MFR AR Rifle bearing Serial Number TB1292; and (2) a Glock 40 Caliber Pistol bearing Serial Number NBN326, during and in relation to a drug trafficking crime, for which they may be prosecuted in a court of the United States, that is: Conspiracy to Possess and Distribute Controlled Substances, in violation of 21 U.S.C. § 846, as charged in Count One of this Third Superseding Indictment, in violation of 18 U.S.C. § 924(c)(1), and in the course of this violation caused the death, and aided and abetted the killing, of a person through the use and discharge of said firearms, which killing is a murder, as defined in 18 U.S.C. § 1111, in that defendants, with malice aforethought, unlawfully killed **LEVAR POGSON** by shooting him with the firearms willfully, deliberately, maliciously, and with premeditation. All in violation of 18 U.S.C. §§ 924(j)(1) and 2.

**COUNT THIRTEEN**

On or about May 25, 2017, in the District of the Virgin Islands, the defendants,



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**IVAN JAMES, and  
JOH WILLIAMS,**

did knowingly use, carry, and discharge, and aided and abetted the use, carrying and discharge of firearms, that is: (1) an Olympic Arms MFR AR Rifle bearing Serial Number TB1292; and (2) a Glock 40 Caliber Pistol bearing Serial Number NBN326, during and in relation to a crime of violence, for which they may be prosecuted in a court of the United States, that is: First Degree Murder, in violation of 14 V.I.C. § 922(a)(1), as charged in Count Fourteen of this Third Superseding Indictment, in violation of 18 U.S.C. § 924(c)(1), and in the course of this violation caused the death, and aided and abetted the killing, of a person through the use and discharge of said firearms, which killing is a murder, as defined in 18 U.S.C. § 1111, in that defendants, with malice aforethought, unlawfully killed **LEVAR POGSON** by shooting him with said firearms willfully, deliberately, maliciously, and with premeditation. All in violation of 18 U.S.C. §§ 924(j)(1) and 2.

**COUNT FOURTEEN**

On or about May 25, 2017, in the District of the Virgin Islands, the defendants,

**IVAN JAMES, and  
JOH WILLIAMS,**

aided and abetted by each other, did unlawfully kill **LEVAR POGSON**, a human being, with malice aforethought, and in a willful, deliberate and premeditated manner, to wit: by shooting **LEVAR POGSON** with firearms. All in violation of 14 V.I.C. §§ 921, 922(a)(1) and 11.

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### **FORFEITURE ALLEGATION**

The allegations contained in Counts One through Fourteen of this Third Superseding Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture, pursuant to the provisions of 21 U.S.C. § 853.

1. Upon conviction of the violations alleged in Counts One through Fourteen of this Third Superseding Indictment, including violations of 21 U.S.C. §§ 841(a)(1), 841(a)(1) and 846, and 18 U.S.C. § 2, defendants IVAN JAMES, KAI JAMES, JOH WILLIAMS, MALACHI BENJAMIN, ARIEL PETERSEN and JAHKIEBO JOSEPH shall forfeit to the United States, pursuant to 21 U.S.C. § 853(a), the following firearms: (1) Smith & Wesson 9 Millimeter Handgun, Serial Number HPP3181; (2) Smith & Wesson 9 Millimeter Handgun, Serial Number HSR3500; (3) Glock 22, .40 Caliber Handgun, Serial Number BDUN801; (4) Glock 43, 9 Millimeter Handgun, Serial Number RYF733; (5) Colt Sporter .223 Caliber AR-15 Rifle, Serial Number MH064994; (6) Olympic Arms MFR AR Rifle, Serial Number TB1292; (7) Glock 40 Caliber Pistol, Serial Number NBN326; (8) Springfield XD .45 Caliber Handgun, Serial Number US703390; (9) Romarm WASR-10 AK Rifle, Serial Number AG4449; and (10) HK P2000 .40 Handgun, Serial Number 123074009, and any and all of the defendants' right, title and interest in any and all property, real or personal, constituting or derived from, any proceeds obtained, directly or indirectly, as the result of the offenses; and any property used, or intended to be used, in any manner or part, to commit or to facilitate the commission of these offenses. The United States will also seek a forfeiture money judgment against the defendants equal to the value of any property

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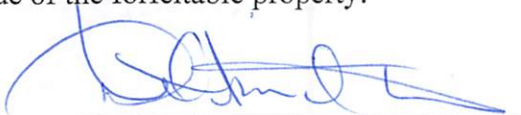
constituting or derived from any proceeds obtained, directly or indirectly, as the result of these offenses.

2. If any of the property described above, as a result of any act or omission of defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the forfeitable property.

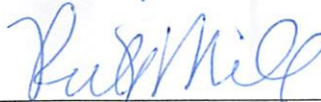
Dated: September 13, 2023



**DELIA L. SMITH**

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DISTRICT COURT OF THE VIRGIN ISLANDS: Returned into the District Court,  
District of the Virgin Islands, on this 13<sup>th</sup> day of September 2023, by Grand  
Jurors and filed.



**HONORABLE RUTH MILLER**

United States Magistrate  
District of the Virgin Islands

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